

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

ELBERT CARSON MYERS,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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Case No. 4:07CV00027

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ORDER

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By: Jackson L. Kiser

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Senior United States District Judge

Before me is the *Motion to Dismiss* by the Defendant, the United States of America.

For the reasons stated in the accompanying *Memorandum Opinion*, I **GRANT**

Defendant's *Motion to Dismiss* and this case is hereby **DISMISSED** from the active docket of this Court **WITHOUT PREJUDICE**. The Clerk is directed to send a copy of this *Order* and the accompanying *Memorandum Opinion* to all counsel of record and to the pro se plaintiff.

Entered this 6th day of November, 2007.

s/Jackson L. Kiser

Senior United States District Judge